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Clerk, U.S. District Court
District Of Montana
Great Falls

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. DONALD MITCHELL JOHNSON <i>aka Ski Johnson,</i> Defendant.	CR 14-28-BU-DLC <u>SUPERSEDING INDICTMENT</u> WIRE FRAUD Title 18 U.S.C. § 1343 (Penalty: 20 years imprisonment, \$250,000 fine, and three years supervised release) FORFEITURE Title 18 U.S.C. § 981(a)(1)(C) Title 28 U.S.C. § 2461(c)
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THE GRAND JURY CHARGES:

At all times relevant to this Indictment:

Background

1. DONALD MITCHELL JOHNSON was a saxophone player from Silver Spring, Maryland.

2. Beginning in or about 2009, DONALD MITCHELL JOHNSON became a member of the Recording Academy and submitted content to the Recording Academy; however, he was not nominated for a Grammy award.

3. In or about 2011 through 2014, DONALD MITCHELL JOHNSON did business as the Jazz for Life Foundation, which DONALD MITCHELL JOHNSON represented to be a charity raising money for children with cancer and children's cancer research.

Scheme to Defraud

4. From in or about 2011 through in or about 2014, the defendant, DONALD MITCHELL JOHNSON, in the District of Montana and elsewhere, devised and intended to devise a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means

It was part of the scheme that:

5. DONALD MITCHELL JOHNSON would and did represent that he was a Grammy nominated musician when in fact he was not a Grammy nominated musician.

6. DONALD MITCHELL JOHNSON would and did represent that he was a representative of Sony when in fact he was not a representative of Sony.

7. DONALD MITCHELL JOHNSON would and did represent that he was authorized to use the American Cancer Society's non-profit status when in fact he was not authorized to use the American Cancer Society's non-profit status.

8. DONALD MITCHELL JOHNSON would and did contact charity events using an alias of a manager for DONALD MITCHELL JOHNSON seeking to arrange a celebrity appearance of DONALD MITCHELL JOHNSON.

9. DONALD MITCHELL JOHNSON would and did contact charity events under the auspice that he was the manager for a celebrity when in fact he was not the celebrity's manager.

10. DONALD MITCHELL JOHNSON would and did use a fictitious status as a Grammy nominated musician to obtain an invitation to a charity event and cause the charity to expend funds on DONALD MITCHELL JOHNSON and his associates.

11. DONALD MITCHELL JOHNSON would and did solicit money for the Jazz for Life Foundation as a children's cancer charity when in fact DONALD MITCHELL JOHNSON used the money for his personal benefit.

12. DONALD MITCHELL JOHNSON would and did auction Grammy tickets at a charity event when DONALD MITCHELL JOHNSON was not authorized to sell the Grammy tickets and was unable to provide the Grammy tickets to the auction winner.

13. DONALD MITCHELL JOHNSON would and did organize an ostensible charity event based on his representation that a celebrity would attend the event when in fact DONALD MITCHELL JOHNSON knew he had not secured the celebrity's attendance.

14. DONALD MITCHELL JOHNSON would use a fictitious status as a Grammy nominated musician and a false charitable purpose causing others to organize events for DONALD MITCHELL JOHNSON's financial benefit.

Execution of the Scheme

15. On or about July 17, 2012, in the District of Montana and elsewhere, DONALD MITCHELL JOHNSON for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals described below:

Nature of signal	Origin Location	Recipient Location
Email communication between DONALD MITCHELL JOHNSON and A.R.	AOL server in Dulles, Virginia	Montana

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

16. The allegations contained in paragraphs 1 through 18 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

17. Upon conviction of the offense in violation of 18 U.S.C. § 1343 set forth in this Indictment, the defendant, DONALD MITCHELL JOHNSON, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense.

18. If any of the property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

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Foreperson signature redacted. Original document filed under seal.

A TRUE BILL.



MICHAEL W. COTTER
United States Attorney

for 
JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons
Warrant
Bail